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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,228	06/21/2001	Raymond Anthony Joao	RJ265	5876

7590 10/04/2006

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YONKERS, NY 10703

EXAMINER

BEKERMANN, MICHAEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/886,228	JOAO, RAYMOND ANTHONY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Bekerman	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This action is responsive to papers filed on 7/12/2006.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 21-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bieganski (U.S. Patent No. 6,412,012) in view of Tedesco (U.S. Patent No. 6,161,059).**

**Regarding claims 21, 22, 26, and 27,** Bieganski teaches a website that provides recommendations to a user during a checkout process (Column 19, Lines 12-17). More specifically, Bieganski teaches a receiver that receives information from a communication device (personal computer) that transmits a request for a product over the Internet (Column 18, Lines 23-25), a processing device that selects multiple advertisements to provide once an individual places an order for the product (Column 19, Lines 12-17), and a transmitter that transmits the recommendation advertisements to the communication device (Column 19, Lines 12-17). Bieganski does not specify the processing device as monitoring interaction with the advertisements and giving a reward based on the interaction. Tedesco also teaches a retail system that offers

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advertisements during a checkout process (Column 2, Lines 28-34). Tedesco teaches a processing device that monitors consumer interaction with the advertisement and provides a discount off of a current purchase based on that interaction (Column 2, Lines 28-34). It would have been obvious to one having ordinary skill in the art at the time the invention was made for the retail web server system of Bieganski to implement the same processing device as the retail system of Tedesco. This would ensure that users are paying proper attention to presented advertisements.

**Regarding claim 23**, Bieganski teaches the advertisement as being selected based on purchase history (Column 18, Lines 56-60).

**Regarding claim 24**, Tedesco teaches the advertisement can be text, video, or audio (Column 5, Lines 40-50).

**Regarding claim 25**, Tedesco teaches administering a survey (Column 3, Lines 63-67).

**Regarding claims 28-32**, While Bieganski teaches the communication device as being a personal computer or a laptop (which is inherently a personal computer), neither Bieganski nor Tedesco specify the communication device as being a PDA, wireless telephone, video telephone, watch, or interactive television. Official notice is taken that these are all old and well-known forms of communication devices. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use any of the above communication devices to communicate with the server of Bieganski based on what the user feels the most comfortable with.

**Regarding claims 33-36**, Tedesco teaches the compensation can be a supplementary product or a discount (Column 2, Lines 31-34). Since different compensations are taught, this reads on variable amount. When a discount is applied to a purchase, it is not changed again. This reads on a fixed amount. A discount inherently reduces the cost of a product by a proportionate amount. This reads on a pro rata amount. Depending on the product, a different reward may be given. Since the system has no way of knowing what the user may choose to purchase, the discount that is applied is a random amount.

**Regarding claims 37 and 38**, Tedesco teaches the compensation as being earned during or after placing the order (Column 2, Lines 31-34). The discounting of the product during the order takes place before the consummation (final payment) of the order.

**Regarding claim 39**, the listing of the product for sale on the website before it is selected by a user for ordering is considered to be an advertisement sent to the communication device.

**Regarding claim 40**, Bieganski teaches a website in which purchases may be made. Neither Bieganski nor Tedesco teach the storing of a reward in an individual's account. Official notice is taken that bank accounts used in the purchasing of goods from online retailers are old and well-known. It would have been obvious to one having ordinary skill in the art at the time the invention was made to deposit a rebate directly into the account of a user. This would make it easier for the user to handle and keep track of.

***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bekerman whose telephone number is (571) 272-3256. The examiner can normally be reached on Monday - Friday, 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**JEFFREY D. CARLSON**  
**PRIMARY EXAMINER**